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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MEMO ENDORSED

P3

**SIRI DIAZ, CAROLYN SIEGEL, TALIA BUMB,
BLERTA VIKKI, DANIELLE OWIMRIN, SUSAN
LEVIN, on behalf of themselves and all others
similarly situated,**

Plaintiffs,

-against-

**SCORES HOLDING COMPANY, INC.; GO WEST
ENTERTAINMENT, INC. a/k/a SCORES WEST
SIDE; and SCORES ENTERTAINMENT, INC.,
a/k/a SCORES EAST SIDE.; ENTERTAINMENT
MANAGEMENT SERVICES, INC.; and 333 EAST
60th STREET, INC. a/k/a SCORES EAST SIDE.**

Defendants.

No. 07 Civ. 8718 (RMB)

USDC SDNY
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**NOTICE OF PLAINTIFFS' MOTION FOR DISCOVERY UNDER FEDERAL
RULE OF CIVIL PROCEDURE 56(f) AND 12(d)**

Please take notice that, upon the annexed Memorandum of Law in Opposition to Defendants' Motion to Dismiss or in the Alternative for Summary Judgment, in Support of Plaintiffs' Motion for Discovery Under Federal Rule of Civil Procedure ("Rules") 56(f) and 12(d), and in Further Support of Plaintiffs' Motion for Conditional Certification and Court-Authorized Notice Pursuant to Section 216(b) of the FLSA, dated February 22, 2008; the annexed Response to Defendants' Local Civil Rule 56.1 Statement ("56.1 Statement"); the

annexed 56.1 Statement of Plaintiffs' Disputed Facts; the annexed Declaration of Tammy Marzagliano, dated February 22, 2008; and all other prior pleadings and proceedings herein, will move this Court, pursuant to Fed. R. Civ. P. 56(f) and 12(d), before the Honorable Richard M. Berman, United States District Judge for the Southern District of New York, for an Order:

1. denying Defendants' Motion to Dismiss or in the Alternative for Summary Judgment ("Defendants' Motion") under Fed. R. Civ.P. 56(f)(1);

or, in the alternative,

2. continuing Defendants' Motion to enable Plaintiffs time to obtain affidavits, take depositions, and to undertake other discovery under Fed. R. Civ. P. 56(f)(2) and to give Plaintiffs a reasonable opportunity to present all the material that is pertinent to the motion under Fed. R. Civ. P. 12(d);

and

3. granting any other just relief.

Dated: New York, New York

February 22, 2008

Respectfully submitted,

/s/ Justin M. Swartz
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Attorneys for the Plaintiffs and the
Putative Class

Motion (#37) is denied as not
in conformity w. th Court's
brief schedule (could have +
should have been included on
Response to motion to dismiss).
Take up discovery issues w. th
J. Katz.

SO ORDERED:

Date: 2/25/08



Richard M. Berman, U.S.D.J.